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An Introduction to

# THE MONTANA LEGISLATIVE COUNCIL



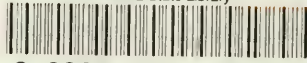
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## MONTANA LEGISLATIVE COUNCIL

### HOUSE MEMBERS

Oscar S. Kvaalen, Chairman  
Rex Manuel  
Robert L. (Bob) Marks  
John Vincent

### SENATE MEMBERS

Pat M. Goodover, Vice-Chairman  
Chet Blaylock  
Carroll Graham  
Frank W. Hazelbaker

Diana S. Dowling  
Executive Director  
Room 138, State Capitol  
Helena, Montana  
Telephone 406-449-3064

Established in 1957, the Montana Legislative Council was originally created as a permanent agency of the legislative branch of state government designed to study selected problems confronting the Legislature in the interim between biennial sessions and to perform other services that facilitate the legislative process.

In 1973 the responsibility for conducting interim studies was transferred from the Council to legislative standing committees or their subcommittees. Particular areas to be studied in an interim, previously determined by the Council, became a responsibility of a Committee on Priorities. The 1979 Legislature returned the responsibility for determining the subject matter of interim studies and the membership of interim study committees to the Legislative Council.

Title 5, Chapters 5, 6, and 11, and Title 1, Chapter 11, MCA, provide the statutory authority for the structure and functions of the Council and interim committees. For purposes of discussion, the content of these sections may be divided into four areas: first, the powers and duties of the Council; second, the structure and responsibilities of the Council staff; third, interim committee organization and procedures; and fourth, the operation of the legislative intern program.

### The Council

The Legislative Council consists of four members chosen from the House and four members chosen from the Senate. Both political parties are equally represented on the Council. Each new Council must be chosen by the Speaker of the House and the Senate Committee on Committees before the fiftieth day of the first regular session of the biennium, and members serve for the biennium.

The law charges the Council with administrative responsibilities relative to the Council staff. An important responsibility of the Council since 1975 has been supervision of the recodification of Montana's statutes by a Code Commissioner assigned to the Council staff. The Montana Code Annotated, as published by the Code Commissioner, was adopted as prima facie the law of Montana by Chapter 1, Laws of 1979.

The one nonadministrative policy study function assigned to the Council provides a legislative safety valve. The Council may, in the event a problem demanding legislative attention arises during the interim, assign study of the problem to an existing joint interim study committee.

The Council may not approve or disapprove substantive portions or recommendations of any interim committee report.

#### The Council Staff

The staff of the Legislative Council acts as an independent, non-political, impartial staff agency for the Legislature, performing those duties and functions assigned by law or as directed or requested by members and committees of the Legislature. The Council staff also provides information to the public in legislative matters.

The staff is divided into four functional divisions: Legislative Services Division, Research and Reference Services Division, Legal Services Division, and Management and Business Services Division.

The Legislative Services Division is responsible for clerical preparation of introduced bills, for engrossing and enrolling of bills, and for printing and mailing of the bills. This division uses a computerized word processing system in order to operate with a high degree of effectiveness and accuracy with a relatively small staff of copy editors, typists, and proofreaders and is also responsible for publication of the legislative journals, of a numerical compilation of code sections affected by the session laws, and the final session laws. The computerized word processing system is also utilized in the publication of the Montana Code Annotated.

The Research and Reference Services Division and the Legal Services Division have many of the same responsibilities. Both divisions perform general and specialized research and reference and information functions. Staff members from both divisions may assist in the preparation of the Legislative Review, staff legislative committees during the session and throughout the interim, draft legislation, prepare legislative and staff reports, and provide information on the legislative process to the public. During the interim, the Legal Services Division is primarily responsible for publication and updating of the Montana Code Annotated.

The Code Commissioner supervises the continuing codification, indexing, rearranging, and general updating of the new Code. Annotations, including case notes to federal and state court decisions and other material useful to MCA users, will be published separately from the statutes and will be available in early 1980. The Annotations will be published in a loose-leaf format so that they may be easily updated.

The Research and Reference Services Division maintains a reference library containing items of special interest to legislators and legislative staff. The library maintains a liaison with other libraries to help make information available as quickly as possible.

The Management and Business Services Division maintains all bookkeeping records; signs all legislative claims and payrolls; requisitions all printing, supplies, and equipment; and serves the House and Senate during a Session.

#### Legislative Council Staff:

Diana S. Dowling, Executive Director and Code Commissioner  
Eleanor Eck, Administrative Assistant

#### Research Division

Robert B. Person, Director  
Teresa Olcott Cohea, Researcher  
Kathleen M. Harrington, Researcher  
Jim Oppedahl, Researcher  
Deborah M. Schmidt, Researcher  
Dennis M. Taylor, Researcher  
Daniel Diaz, Librarian  
Ellen Garrity, Secretary

#### Legal Services Division

Robert Clark Pyfer, Director  
J. Cort Harrington, Staff Attorney  
James H. Lear, Staff Attorney  
Randall J. "Rock" McDonald, Staff Attorney  
Joan Helen Pauly, Staff Attorney  
Gregory J. Petesch, Staff Attorney  
Russ Josephson, Legal Researcher  
Nadine E. Geil, Indexer  
Jacqueline Nichols Terrell, Indexer  
Valeri Hanson, Index Technician  
Helen MacPherson, Secretary

#### Legislative Services Division

Roberta Moody, Director



### Legislative Interim Operations

Section 5-5-202 and Sections 5-5-211 through 5-5-217, MCA, provide the boundaries within which the Legislature must act during an interim. During the legislative session, resolutions may be proposed requesting interim studies. Immediately following the Session, the Legislative Council must prepare a list of study resolutions adopted by the Legislature and distribute it to each legislator. Each legislator is requested to rank the studies in order of importance. After reviewing the priority lists, the estimated cost of each study, and the staff assistance required for each study, the Legislative Council determines which studies will be undertaken.

There are four types of committees that function during an interim: full standing committees, interim study committees, select committees, and committees established by law.

Interim study committees are appointed by the Legislative Council after receiving recommendations from the chairmen of appropriate standing committees of the House and Senate. A study committee consists of four members from each house. No more than two members from each house may be of the same political party. These subcommittees do the majority of the interim work. Each study committee must report its findings and recommendations to the Legislature at the beginning of the next Session.

A select committee is formed to examine a particular issue or bill. This committee is responsible to the house from which it was selected. It operates in a fashion similar to the interim study committees except that it may operate during a Session. A select committee reports to the Legislature upon completion of its study.

The full standing committees are also authorized to function during the interim. However, because of the expense of holding meetings, these committees meet infrequently.

Committees established by law are appointed and meet in accordance with provisions of their authorizing statutes. The Council staff assists such committees upon request.

### Legislative Intern Program

The Legislative Council also administers the Legislative Intern Program, established by law in 1974. This program provides an opportunity for qualified Montana college and university students to gain first-hand experience of the legislative process. Each unit of the Montana University System may select at least one intern, and five additional interns may be chosen from applications submitted to the Council. The Council assigns each intern to a legislator, and the intern is directly responsible to that legislator.



LEGISLATIVE RESEARCH PUBLICATIONS

Since its creation the Council has issued the following major research publications:

1957-58 Interim

- \*Legislative Handbook
- \*Report No. 1 - Montana State Prison
- \*The Administration of Higher Education in Montana  
(by G. Homer Durham)
- \*General Report No. 1

1959-60 Interim

- \*The State Government of Montana (Organization Chart)
- \*Report No. 2 - Legislative Procedures
- \*Report No. 3 - The Organization and Administration of State Government
- \*Report No. 4 - State Land and Investments
- \*Report No. 5 - Higher Education
- \*Report No. 6 - Property Taxation in Montana
- \*General Report No. 2

1961-62 Interim

- \*Bill Drafting Manual for the Montana Legislative Assembly
- Report No. 7 - Executive Reorganization
- \*Report No. 8 - Fiscal Control
- \*Report No. 9 - State Treasury Fund Structure

1963-64 Interim

- \*The State Government of Montana (Organization Chart)
- Report No. 10 - Legislative Rules
- Report No. 11 - Public Official and Employee Bonds -- Fees  
Collected by State Agencies
- \*Report No. 12 - Personnel Management
- \*Report No. 13 - Administration of State Liquor Monopoly
- \*Report No. 14 - Investment of Public Funds
- \*Report No. 15 - Revision of Laws of the Department of Public  
Institutions
- \*Report No. 16 - Property Taxation and the Montana Property  
Classification Law

1965-66 Interim

- Report No. 17 - Legislative Fiscal Analysis
- \*Report No. 18 - Revision of Public Health Laws -- Revision of Fire Protection Laws
- \*Report No. 19 - Professional and Occupational Licensing Boards
- \*Report No. 20 - Revision of Laws for Public Schools
- Report No. 21 - Conservancy Districts
- \*Report No. 22 - Retirement Systems for Policemen and Firemen
- Report No. 23 - Montana Taxation

1967-68 Interim

- \*The State Government of Montana (Organizational Chart)
- Report No. 24 - Building Standards -- Election Laws
- \*Report No. 25 - The Montana Constitution
- Report No. 26 - Montana Corporation License Tax
- Report No. 27 - State Printing
- Report No. 28 - Vocational Education

1969-70 Interim

- Report No. 29 - Regulation of the Sale and Use of Pesticides -- Pesticide Statewide Laboratory System
- Report No. 30 - Self-Insurance on State-Owned Property
- Report No. 31 - Property Taxation -- Right of Entry
- Report No. 32 - Recodification of School Laws -- Elementary and Secondary Education -- Higher Education
- Report No. 33 - Administrative Procedures
- Report No. 34 - Local Government
- Report No. 35 - Income Taxation
- Report No. 36 - Board of Railroad Commissioners Ex Officio Public Service Commission of Montana
- Report No. 37 - Vietnam Honorarium

1971-72 Interim

- Report No. 38 - Executive Reorganization
- Report No. 39 - Health Service Corporations
- Report No. 40 - Higher Education, Duplications
- Report No. 41 - Highways
- Report No. 42 - Insurance - Reform
- Report No. 43 - Juvenile Institutions
- Report No. 44 - Legislative Modernization
- Report No. 45 - Local Government
- Report No. 46 - Public Service Commission
- Report No. 47 - Roll Call and Sound System, House of Representatives
- Report No. 48 - School Construction
- Report No. 49 - School Equalization Aid
- Report No. 50 - School Foundation Program

Report No. 51 - Self-Insurance, Schools  
Report No. 52 - State Laboratories  
Report No. 53 - Water Resources  
Report No. 54 - Welfare

1973 Interim

Bond Issues in Montana  
Election Reform  
Swan River Youth Forest Camp  
Financing and Administration of Public Libraries  
Right to Know, Right to Participate  
Special Education for the Handicapped  
Progress Report on House Joint Resolution No. 22 -- Retirement  
Systems for Public Employees  
Campaign Practices and Finances

1974 Interim

Workmen's Compensation  
The Montana High School Association and Montana Interschool Activities  
Moneys, Solvent Credits, and Industrial Facilities Taxation  
Alcoholic Beverage Control Statutes  
Fossil Fuel Taxation  
Institutions  
Equality of the Sexes  
Uniform Fee Taxation and Anniversary Date Registration of Motor Vehicles  
Actuarial Valuation; State Law Enforcement Retirement Programs

1975-76 Interim

Collective Bargaining and the State Wage and Classification Plan  
Entry into Montana's Trades, Crafts, and Professions  
Limitations on the Waiver of Sovereign Immunity  
Medical Malpractice  
Montana's District Courts  
Montana's Inheritance Taxes  
Montana's Property Taxes: Assessment and Classification  
Montana's State Income Tax  
Preservation of Agricultural Lands: Alternative Approaches  
Public Access to Public Lands  
Revision of Montana's Fire Laws  
Right of Privacy -- Implementing Article II, Section 10, of the  
Montana Constitution  
Wine and Liquor Marketing Alternatives for Montana

1977-78 Interim

Administrative Code Committee Biennial Report

Capitol Master Plan: Reports and Recommendations  
 Comparative Individual Tax Burdens in the Fifty States  
 Community College Governance  
 Determination of Existing Water Rights  
 Election Laws  
 Income Tax Indexing  
 Legislative Improvement  
 Local Government Laws  
 Montana's Historical and Cultural Resources  
 Montana's Subdivision Laws: Problems and Prospects  
 Motor Vehicle Fee System  
 Report of the Coal Tax Oversight Committee  
 Report of the Committee on Indian Legal Jurisdiction  
 Revision of Montana's Property Tax Classification System  
 State Legal Services  
 Taxation of Metal Mines  
 Taxation of Montana's Financial Institutions  
 The Human Service Delivery System in Montana  
 Timber Taxation in Montana  
 Vocational Education Governance

\*Copies of reports marked with an asterisk are not available for distribution.

#### 1979-1981 INTERIM STUDIES

Studies assigned by the Legislative Council for the 1979-1981 interim and the membership of each study committee:

##### STUDY COMMITTEE ON ANNEXATION LAW

Study of all laws relating to annexation to identify conflicts, duplications, and inadequacies and to prepare remedial legislation.

Sen. George McCallum, Chairman	Rep. James Azzara, Vice-Chairman
Sen. Steve Brown	Rep. Jay Fabrega
Sen. Lloyd C. Lockrem, Jr.	Rep. Burt L. Hurwitz
Sen. Bob Peterson	Rep. Gerald R. Kessler

##### STUDY COMMITTEE ON CORRECTIONS POLICY AND FACILITY NEEDS

Study of Montana's overall correction policy and related prison needs.

Rep. Dan Yardley, Chairman	Sen. Stan Stephens, Vice-Chairman
Rep. Budd R. Gould	Sen. Bob Brown
Rep. Andrea "Andy" Hemstad	Sen. Thomas E. Towe
Rep. Michael H. Keedy	Sen. Fred Van Valkenburg

#### STUDY COMMITTEE ON BRANCHING OF FINANCIAL INSTITUTIONS

Study of the need for financial institutions to branch within the state and alternate methods of authorizing branching.

Sen. Pat Regan,  
Chairman  
Sen. Paul F. Boylan  
Sen. Pat M. Goodover  
Sen. Matt Himsel

Rep. Harold E. Gerke  
Rep. Robert L. (Bob) Marks  
Rep. Dennis Nathe  
Rep. Joe Tropila

#### STUDY COMMITTEE ON PAYMENTS IN LIEU OF TAXES FOR STATE-OWNED PROPERTY/ MANDATES TO LOCAL GOVERNMENTS

Study of problems related to state-owned property and the question of mandates to local governments.

Sen. Robert D. Watt,  
Chairman  
Sen. Max Conover  
Sen. Everett R. Lensink  
Sen. Jesse A. O'Hara

Rep. Verner L. Bertelsen,  
Vice-Chairman  
Rep. Mike Cooney  
Rep. Hershel M. Robbins  
Rep. Barbara J. (Bobby) Spilker

#### STUDY COMMITTEE ON ENERGY FORECASTING

Study of the adequacy of existing energy load forecasts and the necessity and desirability of developing an independent state energy load forecasting capability.

Sen. George F. Roskie,  
Chairman  
Sen. Harold L. Dover  
Sen. Greg Jergeson  
Sen. Cornie R. Thiessen

Rep. Joe Quilici,  
Vice-Chairman  
Rep. Art Lund  
Rep. Carl A. Seifert  
Rep. John Vincent

#### STUDY COMMITTEE ON RETIREMENT SYSTEMS

Study of the effects of inflation on public retirement systems, especially the Teachers' Retirement System.

Rep. John Vincent,  
Chairman  
Rep. William (Red) Menahan  
Rep. Howard C. Porter  
Rep. James M. Schultz

Sen. William F. Hafferman,  
Vice-Chairman  
Sen. Gary C. Aklestad  
Sen. Tom Hager  
Sen. Lawrence G. Stimatz

#### STUDY COMMITTEE ON CONTAINER DEPOSITS

Study of the problem of controlling food and beverage containers.

Rep. Bob Thoft,  
Chairman

Rep. Hal Harper

Rep. Dennis Iverson

Rep. Robert J. "Bob" Pavlovich

Sen. Patrick L. Ryan,  
Vice-Chairman

Sen. Allen C. Kolstad

Sen. A. T. "Tom" Rasmussen

Sen. Pat Regan

#### STUDY COMMITTEE ON SEED CERTIFICATION

Study to develop a practical and legally sound method of seed certification.

Sen. Mike Anderson

Sen. Paul F. Boylan

Sen. John E. Manley

Sen. Elmer D. Severson

Rep. Eugene C. (Gene) Donaldson

Rep. Robert A. Ellerd

Rep. George R. Johnston

Rep. Edward Lien

#### STUDY COMMITTEE ON LEGISLATIVE IMPROVEMENT

Study of legislative standing committees and their relationship to and role in executive department oversight and methods of improving the bill drafting process.

Sen. Carroll Graham

Sen. Allen C. Kolstad

Sen. Bill Norman

Sen. Stan Stephenson

Rep. Ann Mary Dussault

Rep. Harold E. Gerke

Rep. Kerry Keyser

Rep. Robert Sivertsen

A list of select, standing, and statutory committees functioning during the interim may be obtained from the Legislative Council.

## APPENDIX I

### RULES OF PROCEDURE

#### MONTANA LEGISLATIVE COUNCIL

##### RULE I

Each Legislative Council shall determine the rules of its proceedings.

##### RULE II

Regular meetings of the Legislative Council shall be held in the State Capitol, Helena, Montana, unless otherwise ordered by a majority of members at a previous meeting. Special meetings may be scheduled by a majority of members at a previous meeting or may be called by the Chairman on at least ten (10) days notice to the members. Any member of the Legislative Council who misses two (2) consecutive meetings may be relieved of his duties by a majority of the Council.

##### RULE III

All meetings of the Legislative Council shall be conducted under the established rules of the Senate of the state of Montana as to quorums and parliamentary procedure as applicable.

##### RULE IV

If a question of statewide importance arises when the Legislature is not in session and a study committee has not been appointed to consider the question, a majority of the Council may agree to assign the question to an appropriate study committee.

##### RULE V

(1) The Council staff shall assist individual members of the Legislature on request by compiling and analyzing material relating to state government. Such research may not exceed two man days of work without the consent of the Council. This limitation shall not apply to the Council's bill drafting service during and immediately preceding a legislative session.

(2) Bill drafting requests will not be honored until after the Secretary of State has made his canvass of votes, except that the requests from holdover senators and legislators running unopposed may be processed as staff time permits.



(3) All bill drafting requests must be specific as to what the legislator wishes to accomplish and must also outline the method which will achieve his end. Legislative Council staff, with the concurrence of the Executive Director, is authorized to return a bill drafting request to a legislator for more information.

#### RULE VI

Subject to the approval of the Council, the Executive Director may engage necessary stenographic, clerical, and other assistance for the operation of the Council, Legislative Services Division, the ALTER program, and aid to interim study committees or legislative standing committees.

#### RULE VII

The minutes of all regular and special meetings shall be mailed to each member of the Council as soon as possible after each meeting.

#### RULE VIII

Claims and requisitions up to \$100, payrolls, and routine claims in excess of \$100 may be approved by the Executive Director; all other claims and requisitions must be approved by the Chairman of the Council.

#### RULE IX

All meetings shall be open to the public.

#### RULE X

All publicity and news releases on behalf of the Council shall be made by the Chairman of the Council.

#### RULE XI

Alteration, suspension, or amendment of these rules may be by vote of a majority of the Council.

# APPENDIX II

## CHAIRMEN AND VICE-CHAIRMEN OF MONTANA LEGISLATIVE COUNCILS

1957	Chairman	Sen. David F. James (D)
	Vice-Chairman	Rep. Berg (R)
1959	Chairman	Sen. Robert A. Durkee (D)
	Vice-Chairman	Rep. George T. Howard (R)
1961	Chairman	Sen. William R. Mackay (R)
	Vice-Chairman	Rep. John D. Melcher (D)
1963	Chairman	Sen. William A. Groff (D)
	Vice-Chairman	Rep. Henry S. Hibbard (R)
1965	Chairman	Sen. Earl Moritz (R)
	Vice-Chairman	Rep. Francis Bardanouve (D)
1967	Chairman	Sen. David F. James (D)
	Vice-Chairman	Rep. Walter J. Ulmer (R)
1969	Chairman	Sen. Frank W. Hazelbaker (R)
	Vice-Chairman	Rep. Francis Bardanouve (D)
1971	Chairman	Rep. Francis Bardanouve (D)
	Vice-Chairman	Sen. Antoinette F. Rosell (R)
1973	Chairman	Sen. Carroll Graham (D)
	Vice-Chairman	Rep. Henry S. Cox (R)
1975	Chairman	Rep. Robert L. (Bob) Marks (R)
	Vice-Chairman	Sen. Neil J. Lynch (D)
		Sen. Carroll Graham (D) (replaced Senator Lynch)
1977	Chairman	Sen. Carroll Graham (D)
	Vice-Chairman	Sen. Frank W. Hazelbaker (R)
1979	Chairman	Rep. Oscar S. Kvaalen
	Vice-Chairman	Sen. Pat M. Goodover





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